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DEPARTMENT OF BUILDING AND DEVELOPMENT
ZONING ADMINISTRATION
STAFF REPORT

BOARD OF SUPERVISORS PUBLIC HEARING

DATE OF HEARING: June 7 and 10, 2006

**Rural Policy Area Amendments/Planning Commission's Recommendations
CPAM 2005-0005, ZOAM 2005-0002, ZMAP 2005-0042, ZMAP 2006-0002, DOAM 2005-0003**

DECISION DEADLINES:

CPAM 2005-0005: June 18, 2006

**ZOAM 2005-0002, ZMAP 2005-0042, ZMAP 2006-0002, DOAM 2005-0003: At the Pleasure
of the Board**

ELECTION DISTRICTS: Countywide

DEPARTMENT CONTACTS: Terrance D. Wharton, Director,
Department of Building & Development
Julie Pastor, Director,
Department of Planning
Melinda M. Artman, Zoning Administrator

PROJECT MANAGERS: Patrick Giglio, Department of Planning
Michelle M. Lohr, Zoning Administration
Marilee L. Seigfried, Deputy Zoning Administrator
Michael Seigfried, Assistant Director for
Land Subdivision

EXECUTIVE SUMMARY

As part of an on-going comprehensive countywide remapping effort and in response to a ruling by the Virginia Supreme Court, and subsequent order from the Circuit Court invalidating the January 6, 2003 remapping of the Rural Policy Area, on November 17, 2005 the Board of Supervisors adopted a resolution stating its intention to revise the AR-1 and AR-2 zoning districts, to remap those districts, to adopt new optional RR-1 and RR-2 zoning districts, and to adopt other zoning ordinance amendments, subdivision ordinance amendments, and comprehensive plan amendments.

SUGGESTED MOTIONS

1A. I move that the Board of Supervisors suspend the rules.

- 1B. I move to approve CPAM 2005-0005, Amendments to the Rural Area Policies of the Loudoun County Comprehensive Plan, as recommended by the Planning Commission.

OR

2. I move an alternate motion.

AND

3. I move that ZOAM 2005-0002, ZMAP 2005-0042, ZMAP 2006-0002 and DOAM 2005-0003 be referred to the Transportation/Land Use Committee for further discussion.

OR,

4. I move that ZOAM 2005-0002, ZMAP 2005-0042, ZMAP 2006-0002 and DOAM 2005-0003 be referred to the Committee of the Whole for further discussion.

OR,

5. I move that the Board of Supervisors place ZOAM 2005-0002, ZMAP 2005-0042, ZMAP 2006-0002 and DOAM 2005-0003 on the agenda a Board business meeting for action.

OR,

6. I move an alternate motion.

I. BACKGROUND:

In response to a ruling by the Virginia Supreme Court, and subsequent order from the Circuit Court invalidating the January 6, 2003 remapping of the Rural Policy Area, on November 17, 2005 the Board of Supervisors adopted a resolution stating its intention to revise the AR-1 and AR-2 zoning districts, to remap those districts, to adopt new optional RR-1 and RR-2 zoning districts, and to adopt other zoning ordinance amendments, subdivision ordinance amendments and comprehensive plan amendments. [Attachment 1] After holding a number of work sessions, the Board adopted a resolution on December 10, 2005 referring the amendments and the mapping of the AR-1 and AR-2 districts to the Planning Commission for public hearing. [Attachment 2] These proposed amendments were forwarded to the Planning Commission in a package dated December 16, 2005 which incorporated recommendations of the Zoning Ordinance Review Committee to Section 5-500, Temporary Use/Permits and Section 5-600 Additional Regulations for Specific Uses. A supplemental distribution dated January 24, 2006 included minor revisions to the Revised General Plan (dated January 14, 2006), the Land Subdivision and Development Ordinance and Facilities Standards Manual (dated January 20, 2006) and changes to the AR-1, AR-2, RR-1, RR-2, Section 5-601(A) and (B) Bed and breakfast homestay and Bed and breakfast inn, and Article 8 Definitions (dated January 24, 2006). The Planning Commission held a public hearing and, after reviewing the draft text and proposed zoning map amendments, forwarded its recommendations to the Board of Supervisors on March 20, 2006.

Also on March 20, 2006 the Planning Commission held a public hearing on ZMAP 2006-0002, Phuoc Nguyen, Men Nguyen & Lon Nguyen, Jt, Gas Mart Corp, and Four Sons Family LLC. ZMAP 2006-0002. This zoning map amendment application was necessary to include five parcels that were inadvertently

omitted from the proposed zoning map that was prepared for the Rural Remapping project's public hearing. ZMAP 2006-0002 has been included in the public process for consideration with the Rural Policy Area Amendments (CPAM 2005-0005, ZOAM 2005-0002, ZMAP 2005-0042, DOAM 2005-0003).

On April 4, 2006 the Board of Supervisors voted to hold a public hearing on the proposed amendments and to include the Planning Commission recommendations in the public hearing advertisement for consideration by the Board of Supervisors. The draft amendments are included as Attachments.

II. SUMMARY OF PROPOSED TEXT CHANGES

The following is a brief description of the proposed revisions to the Comprehensive Plan, Land Subdivision and Development Ordinance, and Zoning Ordinance. Attachment 5 to this staff report contains the proposed changes to the Comprehensive Plan, Attachments 8-15 contain proposed amendments to the Zoning Ordinance, and Attachment 17 contains the proposed changes to the Land Subdivision and Development Ordinance, including the Facilities Standards Manual. Members of the public may access the attachments to this staff report at the Department of Planning (3rd Floor) or the Department of Building and Development (2nd Floor) located in the County Government Center, 1 Harrison Street, SE, Leesburg, Virginia or on the website designated for this project: www.loudoun.gov/rural.

A. CPAM 2005-0005: AMENDMENTS TO THE RURAL AREA POLICIES OF THE LOUDOUN COUNTY COMPREHENSIVE PLAN

The following is a brief overview of the proposed Comprehensive Plan Amendment. The amendments to the Comprehensive Plan are referenced in Attachment 5.

The proposed Comprehensive Plan Amendment (CPAM) addresses the Board of Supervisors' direction and Planning Commission's recommendations for the remapping of the Rural Policy Area and updates the existing policies of the Loudoun County Comprehensive Plan (to include amendments to the Revised General Plan and Revised Countywide Transportation Plan) to address issues such as residential densities, non-residential uses and rural economy uses, land use arrangement, community design, open space, water and wastewater and road networks in the Rural Policy Area. The proposed Comprehensive Plan Amendment (CPAM) will not alter the County's basic strategy for the Rural Policy Area. The Plan seeks to provide a balance of residential and non-residential uses in the Policy Area that enhance the rural quality of life.

The Rural Policy Area is divided into two tiers, the northern tier and southern tier [Attachment 4], with different base residential densities in response to the dominant rural land use and development patterns of these distinct geographic areas. As such the Plan calls for the northern tier to develop at a base density of 20 acres per lot, with development options to spin-off or cluster residential lots at the equivalent of one dwelling unit per 10 acres. The Plan calls for the southern tier to develop at a base density of 40 acres per lot, with development options to spin-off or cluster residential lots at the equivalent of one dwelling unit per 20 acres. The Plan also calls for the consideration of Rural Residential Rezoning to higher densities than those permitted by the AR zoning district regulations at the equivalent of one dwelling unit per 7.5 acres in the northern tier and one dwelling unit per 15 acres in the southern tier. In order to mitigate the impacts associated with these increased residential densities, capital facilities and transportation contributions would be anticipated for all Rural Residential Rezoning.

For residential uses, clustered developments are the preferred development pattern in the Rural Policy Area. Clustered developments allow landowners to group residential lots in a traditional community pattern so that a substantial amount of the remaining land is available for rural economy uses, traditional agriculture and/or open space. *The Planning Commission has recommended that the cap on the number of lots within a cluster development be eliminated and that the minimum size of lots within a cluster be based on the type of water and wastewater to be provided to the individual lot.*

Amendments to the policies of the Revised Countywide Transportation Plan are also proposed to update and remove outdated policies referencing “road bind” treatment and to add policies to implement the “pave-in-place” and rustic road standards supported by the Virginia Department of Transportation. The Countywide Transportation Plan establishes policy guidance for adequate transportation services and facilities.

B. ZOAM 2005-0002: RURAL POLICY AREA AMENDMENTS TO THE REVISED 1993 LOUDOUN COUNTY ZONING ORDINANCE. The following is an explanation of the elements included in the proposed zoning ordinance amendments. The amendments to the zoning ordinance are referenced in Attachments 8-15 .

1. **Lot Yield.** The draft proposes a lot yield of one lot per 20 acres in the AR-1 district and one lot per 40 acres in the AR-2 district, with the ability to attain a lot yield of 1 lot per 10 acres in the AR-1 district and one lot per 20 acres in the AR-2 district through the Principal/Subordinate subdivision option process or the Cluster subdivision process.
2. **Rezoning Option.** Two new zoning districts, RR-1 (Rural Residential – 1) and RR-2 (Rural Residential – 2) have been developed to include an option to allow a property owner to increase the lot yield of a tract through the rezoning process up to one lot per 7.5 acres in the AR-1 district area and one lot per 15 acres in the AR-2 district area. A modified process has also been developed (Section 6-1216) for remapping to the RR-1 district on tracts of less than 90 acres and to the RR-2 on tracts of less than 140 acres. The new Rural Residential districts were based, in part, on a Rural Residential district that was included in the original 1993 Zoning Ordinance and the use list of the old RR district was the base for developing the use lists for the proposed districts.
3. **Subdivision Options.** The AR-1 and AR-2 zoning districts are proposed to be amended by incorporating three methods to subdivide a property. The **Base Density** option, a relatively simple method of subdivision, permits a property owner to subdivide a property with a lot yield of one lot per 20 acres, with a minimum lot size of 20 acres in the AR-1 district and a lot yield of one lot per 40 acres, with a minimum lot size of 40 acres in the AR-2 district. The submission materials required to subdivide the property are minimal and involve the Director of Building and Development verifying that water and wastewater is available on the property, that the minimum lot size can be met and that the parcels have acceptable access.

The **Principal/Subordinate** subdivision option includes a process to enable a property owner to “spin-off” a lot or lots at any time. A lot yield of one lot per 10 acres is established for the AR-1 district and one lot per 20 acres in the AR-2 district with the property owner able to subdivide as many lots at a time up to the total lot yield established for the property at time of first subdivision. A minimum lot size of 80,000 square feet (approximately 2 acres) is required with individual water and wastewater systems to be located on the lot served. In

order to support rural economy uses, at least one lot of a minimum of 15 acres must be provided in the AR-1 and RR-1 districts and at least one lot of a minimum of 25 acres must be provided in the AR-2 and RR-2 districts.

With the **Cluster** development option a landowner may choose to develop the property as a cluster development, with communal water and wastewater systems permitted to be located on common open space. At least one lot in the cluster must be a minimum of 15 acres in the AR-1 and RR-1 districts and 25 acres in the AR-2 and RR-2 districts with the remaining cluster lots of between 40,000 square feet (approximately 1 acre) and 4 acres. In the new RR districts, clustering is required, while clustering is optional in the AR districts.

The Planning Commission recommends amending the base density division option to increase the maximum lot coverage from 8% to 11%. Lot coverage is defined as “the percentage of a lot area occupied by the ground area of principal and accessory buildings or structures on such lot.”

The Planning Commission recommends eliminating from the draft the current cap of 25 lots in a cluster within the AR-1, AR-2, RR-1, and RR-2 district regulations.

4. **Open Space.** Although not required to be located within an open space easement, a minimum of 70% of the land in the cluster subdivision in the AR-1 and RR-1 districts and 85% of the land in the cluster subdivision in the AR-2 and RR-2 districts must be in rural economy lot(s) or a combination of rural economy lot(s) and common open space.

The Planning Commission recommends 70% open space for cluster subdivisions throughout the Rural Policy Area.

5. **Rural Economy Lot.** The draft contains a requirement for at least one larger lot of a minimum of 15 acres in the AR-1 and RR-1 districts and 25 acres in the AR-2 and RR-2 districts that could be used for rural economy uses.
6. **Minimum Lot Size.** Included in the draft is a minimum lot size of 80,000 square feet (approximately 2 acres) for the Principal/Subordinate option and a minimum of 40,000 square feet (approximately 1 acre) for the Cluster option.

The Planning Commission recommends basing the minimum lot size of a cluster lot on the type of water and wastewater system provided to the lot as follows: 40,000 sq. ft. minimum for lots served by on-site water and wastewater; 20,000 sq. ft. for lots served by on-site water and off-site wastewater; and no minimum lot size for lots served by communal well and wastewater.

7. **Water and Wastewater on Individual Lots.** Within the Principal/Subordinate subdivision option, the water and wastewater must be provided on site. Within the Cluster developments communal water and wastewater systems may be located within Common Open Space. The draft also allows up to 70% of individual septic fields in a development to be located within Common Open Space.
8. **Section 5-500. Temporary Uses/Permits.** The draft language adds provisions to: allow construction and sales trailers to be erected after preliminary subdivision rather than after record plat; provide for the extension of a permit for a temporary dwelling; permit sales and

leasing in a model home; and include provisions for model homes. The proposed language states that events listed as exempt are not required to obtain a temporary zoning permit; allows special events for fewer than 100 attendees to be exempt from the regulations; and allows the ten permitted non-exempt special events to be held without a 30 day separation requirement between events.

The Planning Commission recommends provisions to permit temporary sales and construction trailers as long as they are within the same development, allow for a temporary dwelling permit to be extended by the Zoning Administrator in 6 month increments. Further, the Planning Commission recommends extensive changes to the regulations regarding hospitality uses and the regulations of special events in particular. These recommendations are contained within the March 20, 2006 Planning Commission recommendations [Attachment 3] and have been incorporated into the draft text [Attachment 13].

9. **Section 5-600 Additional Regulations for Specific Uses.** The draft text incorporates changes recommended by the Zoning Ordinance Review Committee and forwarded by the Board of Supervisors to the Planning Commission for review and recommendations.

The Planning Commission recommends:

- (a) *Amending Section 5-600 to allow modification of the Additional Regulations of Section 5-600 by minor special exception rather than a full special exception.*
- (b) *Amending the AR district standards to clarify that, when two or more uses are established on a parcel and those uses are subject to performance standards contained in Section 5-600, the minimum lot size shall be the larger of the two or more use requirements, and not the sum of all of the minimum lot sizes*
- (c) *Eliminating the distinction between “Bed and Breakfast Homestay” and “Bed and Breakfast Inn” and substitute “Bed and Breakfast” as contained the attachments to the March 20, 2006 Planning Commission recommendations.*
- (d) *Deleting the uses “Tenant Dwellings,” “Guest House,” and “Caretakers Quarters” from the AR district use list and combining them into one use “Accessory Dwelling Units.” The number of permitted Accessory Dwelling Units is proposed to be based on the size of the parcel.*
- (e) *Amending Section 5-654, Road Access Standards, to allow the private road standards to be waived by adding a note indicating that all Facilities Standards Manual provisions regarding the ability to request waivers apply to this section.*

10. **Deletion of References to Conservation Design, River and Stream Corridor Overlay District and Limestone Overlay District and Reaffirmation of Floodplain Overlay District.** In order to be responsive to the Court’s direction regarding the environmental overlay districts, the draft includes amendments to delete references to conservation design, the Limestone Overlay District (LOD), and the River and Stream Corridor Overlay District (RSCOD). With the Circuit Court’s invalidated the River and Stream Corridor Overlay District in 2004, it affirmed that the Floodplain Overlay District remained in place. For clarity’s sake the Floodplain Overlay District (FOD) regulations are included within the draft text.

11. **Country Club Use.** The Planning Commission held a public hearing on March 21, 2005 regarding a proposal to add the use “Country Club” to the AR-1 and AR-2 zoning districts [ZOAM 2005-0001]. Discussion on this amendment was suspended and the amendment was subsequently included with the subject Rural Policy Area amendments. The necessary amendments to the AR-1 and AR-2 districts and to Section 5-600 have been included in the proposed amendments to the ordinance.

The Planning Commission recommends amending the draft text to allow a maximum FAR of 0.04 rather than the currently proposed 0.02 for the Country Club use..

12. **Staff Comments.** Staff has developed recommendations pertaining to the Zoning Ordinance Amendments that are included in Attachment 7. If the Board desires, these recommendations can be incorporated into the draft text for consideration.

- C. **ZMAP 2005-0042: RURAL POLICY AREA REMAPPING.** The proposal is to generally remap the parcels located within the Rural Policy Area of the Comprehensive Plan. The AR-1 district is proposed to be mapped on parcels located in the northern tier and the AR-2 district is proposed to be mapped on parcels located in the southern tier. See Proposed Zoning Map, Attachment 16.

The Planning Commission recommends retaining the CR-1, CR-2, CR-4, and RC zoning districts contiguous to Villages, Towns, and JLMAs. The Town of Lovettsville has expressed concern regarding this recommendation as stated in the March 15, 2006 letter from Mayor Elaine Walker in Attachment #13. Staff has determined the amount of acreage currently zoned CR1, CR2, CR3, CR4, and RC as follows:

	Rural 20 (Northern Tier)	Rural 50 (Southern Tier)
CR1	7,052	933
CR2	421	104
CR3	109	109
CR4	109	71
RC	132	100

- D. **ZMAP 2006-0002: PHUOC NGUYEN, MEN NGUYEN & LON NGUYEN, JT, GAS MART CORP, AND FOUR SONS FAMILY LLC.** The zoning map prepared to accompany the Planning Commission public hearing inadvertently omitted five parcels proposed to be remapped from RC Rural Commercial to AR-1 Agricultural Rural. On March 20, 2006 the Planning Commission held a public hearing on ZMAP 2006-0002, Phuoc Nguyen, Men Nguyen & Lon Nguyen, Jt, Gas Mart Corp, and Four Sons Family LLC. ZMAP 2006-0002 has been incorporated into the public process with the Rural Policy Area Amendments (CPAM 2005-0005, ZOAM 2005-0002, ZMAP 2005-0042, DOAM 2005-0003).

- E. **DOAM 2005-0005: RURAL POLICY AREA AMENDMENTS TO THE LAND SUBDIVISION AND DEVELOPMENT ORDINANCE**

The draft contains amendments to the LSDO, including the Facilities Standards Manual (FSM), to implement both the Board’s “Proposal #1 for Western Zoning,” revised July 21, 2005 and the proposed amendments to the Zoning Ordinance. Generally, the amendment creates a simplified process and identifies plat requirements for those persons subdividing at the Base Density

Division Option. The amendment also clarifies the procedures to be used for persons subdividing using either the Principal/Subordinate Subdivision Option or the Cluster Option and identifies additional plat requirements for both of these options. The majority of additional plat requirements for both of these options have been generated from the proposed amendments to the Zoning Ordinance. The definition section of the LSDO has also been expanded accordingly. The draft amendments to the LSDO, including the FSM, are included in Attachment 17.

III. ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 6-1211(D) of the Loudoun County Zoning Ordinance states "...for an amendment of the text of this Ordinance, the Planning Commission shall consider the following matters..."

- (1) Standard *Whether the proposed text amendment is consistent with the Comprehensive Plan.*

 Analysis The proposed amendments have been developed to correspond with the guidance provided within the Comprehensive Plan.
- (2) Standard *Whether the proposed text amendment is consistent with the intent and purpose of this Ordinance.*

 Analysis The intent of this ordinance is defined under Section 1-102, which states: "This Ordinance is enacted in order to promote the health, safety and welfare of the residents of Loudoun County and to implement the Loudoun County Comprehensive Plan. The proposed amendments are consistent with the intent of the Zoning Ordinance."

IV. ISSUES

- A. Existing Lots of Record. The draft text for the AR-1 and AR-2 districts addresses three methods of subdividing property with use, lot and building requirements associated with each type. Staff notes that existing lots of record are not addressed and recommends that a section be added to the AR1 and AR2 districts to clearly state the permitted uses and lot requirements for existing lots of record, including lots recorded under hamlet subdivision regulations. Suggested language is included in Items #2 and #5 in Attachment 7, *Additional Changes to the Zoning Ordinance Recommended by Staff*.
- B. Reduction of Minimum Lot Width, Yards, and Length to Width Ratio for Cluster Lots. If the Board of Supervisors adopts the recommendation of the Planning Commission to reduce the minimum lot size for cluster lots based on the type of utilities serving the lot, the minimum lot width, length to width ratio and minimum yard requirements should also be adjusted. Item #10 in Attachment 7, *Additional Changes to the Zoning Ordinance Recommended by Staff*.
- C. Deletion of Requirements for Number of Clusters and Distance Between Clusters. If the Board of Supervisors adopts the recommendation of the Planning Commission to delete the maximum number of lots in a cluster in the AR-1, AR-2, RR-1 and RR-2 districts, the cluster regulations in those districts should also be amended to eliminate the regulations for the maximum number of clusters in a development and the minimum distance between clusters. This issue is included as Items #1, 4, 6, and 8 in Attachment 7, *Additional Changes to the Zoning Ordinance Recommended by Staff*.

- D. Bed and Breakfast Homestay and Inn. Section 5-601(A) and (B). Bed and Breakfast Homestay and Bed and Breakfast Inn. It is noted that the Planning Commission has recommended deleting both the Bed and Breakfast Homestay and Bed and Breakfast Inn and consolidating them into one use, Bed and Breakfast. Although 14 districts other than the AR-1 and AR-2 permit Bed and Breakfast Homestays, the effect of the proposal to eliminate the Bed and Breakfast Homestay use is minimal as up to two roomers or boarders are permitted within the definition of “Family.” An establishment with 3-10 guest rooms would be permitted under the proposed definition of Bed and Breakfast.
- E. Agriculture, Horticulture and Animal Husbandry. The draft text contains a recommendation from the Zoning Ordinance Review Committee to reduce the minimum parcel size for Agriculture, Horticulture and Animal Husbandry from three (3) acres to two (2) acres. Staff does not concur with this proposed reduction and suggests that the minimum lot size either remain at 3 acres or be increased to 5 acres to be consistent with the minimum acreage required for the Land Use Assessment program.
- F. Equestrian Facilities and Stables. The draft text contains a recommendation from the Zoning Ordinance Review Committee to delete the requirement for Equestrian facilities and Stables to follow the regulations of Section 5-627 Agriculture Support Uses (Direct Association with Agriculture, Horticulture or Animal Husbandry) and Section 5-630 Agriculture Support Use (No Direct Association with Agriculture, Horticulture, Animal Husbandry). The Planning Commission did not discuss this issue. Staff recommends that, at a minimum, Equestrian facilities and Stables be required to follow the standards of either Section 5-627 or 5-630 until the Board has had an opportunity to fully review the issues associated with these uses. It is important to point out that although the Zoning Ordinance Review Committee recommended that Equestrian facilities and Stable not have to follow the regulations of Section 5-627 and Section 5-630, Section 1-208 requires such use to follow the 5-600 regulations. Therefore, just striking out the reference to Section 5-627 and Section 5-630 does not mean that those sections would not apply to Equestrian facilities or Stables.
- G. Public Safety Uses (Fire/Rescue Stations, Police Station/Substation) – Section 5-638. The Zoning Ordinance Review Committee recommended that the minimum lot size for a public safety use be reduced from 3 acres to 2 acres and this change has been incorporated into the draft text. Recent experience demonstrates that two acres is insufficient for public safety sites.
- H. Camp, Day and Boarding. The zoning ordinance, as currently drafted, permits Level I, II, III, and IV camps. The table addressing required setbacks, Section 5-645(B)(2) does not contain a setback for a Level IV camp. Staff recommends inserting a setback figure of 300 feet into the table to address any future Level IV camps.
- I. Landscaping Standards – Section 5-653. The proposed amendments would require screening for adjacent lots of 4 acres or less in size. As a practical matter, this proposed change no longer requires screening of the parking area (canopy trees do not provide an effective buffer by themselves). Further, the proposed language allows for the Zoning Administrator to waive the requirement, when it really isn’t a buffer in the first place. In addition, the proposed 6 canopy trees per 100 lineal feet is not an effective buffer for outdoor storage areas. It is recommended that the existing screening standards remain in place.

- J. Measurement of Sound from Residential Structure – Sections 5-601(B)(6)(g), 5-601(C)(4)(h), 5-601(D)(8)(h), 5-635(F)(2), 5-640(G), 5-652(B)(2) The draft text includes changing the noise standards from measurement at the property line to measurement at the nearest adjoining residential structure for many uses (Bed and Breakfast Inn, Country Inn, Rural Retreat and Rural Resort, Fairgrounds, Conference and Training Center, Exterior Lighting and Noise Standards for Specific Uses). Although this issue was discussed by the Planning Commission, a general recommendation was not included in the March 20th Planning Commission report to the Board of Supervisors, but the proposed change was made to the Bed and Breakfast and Country Inn uses. The proposed changes creates enforcement difficulties. The property line has a fixed point where the measurer has permission to gain access. Further, the proposed change can be read to mean that adjoining property owners cannot enjoy the peace and tranquility of the outdoors on their own property.
- K. Hospitality Uses. The Planning Commission has made recommendations affecting the hospitality uses including special events and a revamping of the Bed and Breakfast Homestay and Inn use and Country Inn as well as the Banquet Inn use. As the proposed recommendations are extensive, the Board of Supervisors may desire to review the recommendations in detail. One issue worthy of note is that some uses, such as Country Inn, Rural Retreat or Rural Resort, and Conference and Training Center, are limited in percentage of the use that may be devoted to Banquet Facilities, yet a Bed and Breakfast has no such limitation.
- L. Consideration of Changes to RR-1 and RR-2 as well as AR-1 and AR-2. The Planning Commission recommended changes to the AR-1 and AR-2 districts regarding combining Bed and Breakfast Homestay and Bed and Breakfast Inn as well as to combine Caretaker's residence, Guest House and Tenant Dwelling into one use, Accessory Dwelling. The Board may want to discuss whether these recommendations should be included in the RR-1 and RR-2 districts.
- M. Additional recommended changes pertaining to the Zoning Ordinance Amendment are outlined in Attachment 4, *Additional Changes to the Zoning Ordinance Recommended by Staff*.
- N. Requirements for Wells – Section 1245.10 of the LSDO. As part of the Planning Commission review the proposed amendment related to wells was discussed. Based upon that discussion staff is recommending that the following language be inserted in place of the proposed language amending Section 1245.10. **“Where hydrogeologic testing has been required pursuant to preliminary subdivision plat review and approval, no record plat of subdivision shall be approved for any lot under 80,000 square feet, until written approval of constructed well has been secured from the Health Director”**. The Planning Commission had recommended that Chapter 6 of the FSM be amended such that a hydrogeologic report and well digging be required prior to record plat in lieu of the current language which requires such information to be submitted prior to preliminary plat submission. Although the Board may wish to consider amending Chapter 6 per the Planning Commission's recommendation, such amendment will need to occur at a later date, as explained below.

V. PLANNING COMMISSION RECOMMENDATIONS

- A. Grandfathering. The Planning Commission recommends that the Board of Supervisors readopt the 1993 grandfathering language as presented in Page 9 of the March 20, 2006 Planning Commission Report to Board of Supervisors, Attachment 3.
- B. Other Recommendations. The following Planning Commission recommendations cannot be acted on at this time as they are beyond the scope of the direction of the Board of Supervisors in its November 17, 2005 Resolution of Intent to Amend. The Board of Supervisors may wish to provide direction for their future consideration.
 - 1. Amend the *Revised General Plan* to allow Rural Villages as a development option in the Rural Policy Area.
 - 2. Initiate a future Comprehensive Plan Amendment to reconcile Zoning, Planning and sewer service district boundaries for Villages.
 - 3. Correct inconsistencies to Section 5-633, Airport/Landing Strips, which were not part of the original proposed text.
 - 4. *Hydrogeologic Report and Well Digging*. Change the requirement in Chapter 6 of the Facilities Standards Manual for a hydrogeologic report and well digging from prior to preliminary plat submission to prior to record plat approval.
 - 5. Review proposed amendments to Chapter 1066 of the Codified Ordinance regarding alternative wastewater systems.
 - 6. Address the inconsistencies regarding lot size and setbacks in Section 5-626, 5-627, and 5-630 regarding Agriculture, Agriculture Support Uses (Direct and Indirect).

VI. ATTACHMENTS:

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1. November 17, 2005 Resolution of Intent to Amend the Comprehensive Plan, the Zoning Ordinance, and the Subdivision Ordinance in Order to Implement Western Zoning Proposal #1.	A-1
2. December 10, 2005 Copy Teste of Proposed Public Process/Draft Amendments to Implement Western Zoning Option #1.	A-4
3. March 21, 2006 “Planning Commission Action Summary on Rural Policy Area Amendments” including “Planning Commission Report to the Board of Supervisors”	A-6
4. Rural Policy Area Map.	A-45
5. Draft amendments to the Revised General Plan dated May 17, 2006.	A-46
6. Index of Proposed Zoning Ordinance Text Amendments – ZOAM 2005-0002.	A-58
7. Additional Changes to the Zoning Ordinance Recommended by Staff.	A-70
8. Draft amendments to AR-1 of the Zoning Ordinance dated May 16, 2006, including Planning Commission recommendations.	A-74
9. Draft amendments to AR-2 of the Zoning Ordinance dated May 16, 2006, including Planning Commission recommendations.	A-97
10. Draft amendments to RR-1 of the Zoning Ordinance dated May 16, 2006, including Planning Commission recommendations.	A-120
11. Draft amendments to RR-2 of the Zoning Ordinance dated May 16, 2006, including Planning Commission recommendations.	A-130
12. Draft amendments to Articles 2 and 4 of the Zoning Ordinance.	A-140
13. Draft amendments to Article 5 of the Zoning Ordinance for June 7 and 10, 2006, Board of Supervisors Public Hearing.	A-242
14. Draft amendments to Article 6 of the Zoning Ordinance for June 7 and 10, 2006, Board of Supervisors Public Hearing.	A-444
15. Draft amendments to Article 8 of the Zoning Ordinance, including Planning Commission recommendations for June 7 and 10, 2006, Board of Supervisors Public Hearing.	A-469
16. Draft Proposed Zoning Map.	A-472
17. Draft amendments to the Land Subdivision and Development Ordinance, including the Facilities Standards Manual, dated January 20, 2006.	A-473
18. March 15, 2006 Letter from Lovettsville Mayor Elaine Walker to Planning Commission.	A-492
19. Public Comment received.	A-493